UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,870	07/03/2001	Patrick Droz	CH9-2000-0022	4122

			EXAMINER
877 7590 12/14/2004			TRAN, THIEN D

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ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/898,870	DROZ ET AL.
	Examiner	Art Unit	
	Thien D Tran	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 July 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-14_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-4 and 6-14_ is/are rejected.

7)☒ Claim(s) _5_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-4 and 6-14 are rejected under 35 U.S.C. 102(e) as being

participated by Angle et al (U.S Patent No. 6,661,788 B2).

Regarding claims 1, 8 Angle discloses a method for processing data

packets in a router having a plurality of input ports, a plurality of output ports and

more than one forwarding logic, fabric input and fabric output (packet processing

unit), hereinafter packet processing unit, figure 1, for deriving from port numbers,

QoS information...etc (a piece of information), col.4 line 58 to col.5 line 13

associated to each data packet one of said plurality of output ports to forward

said data packet to, col.6 lines 50-65, said method comprising the steps:

determining one packet processing unit of said more than one packet

processing units in response to an appearance of a data packet at one of said

input ports, col.4 lines 22-33;

requesting from said determined packet processing unit an identification of

a respective output port derived from a piece of packet information indicating

where to forward said data packet to, col.6 lines 50-65; and

forwarding said data packet to said identified output port, col.14 lines 15-

33.

Regarding claims 2, 9 Angle discloses that packet processing units derive

from said piece of information associated to each data packet additional

information about a desired classes of services for packets (packet treatment and

alterations), hereinafter packet treatment and alterations to be applied to the data

packet, col.11 lines 35-45, said requesting from said determined packet

processing unit includes a request for an identification of what desired treatment

and what alterations are to be applied to the data packet, and said method

further comprises a step of granting and accepting (applying) said desired

treatment and said alterations to the data packet, col.11 lines 45-65.

Regarding claims 3, 10 Angle discloses that piece of information includes

a destination address associated to each data packet, col.4 lines 26-33.

Regarding claim 4, Angle discloses that determining one packet

processing unit is based on a vector indicators associated to classes of services

(split of an identifier vector space formed by the complete range of identifier

vectors consisting of a set of fields included in the said data packets), col.11 line

55 to col.12 line 18.

Regarding claim 6, Angle discloses that determining one packet

processing unit is additionally based on information about the amount of traffic in

packets (workload) of every single packet processing unit, whereby said

information about the workload is periodically provided to be utilized for

determining one packet processing unit, col.7 lines 5-25.

Regarding claim 7, Angle discloses that the packet processing units

exploit the grant (knowledge) of the method of determining the particular packet

processing unit for processing the data packet in order to ensure the fair access

(advantageously adjust their packet processing methods) to take advantage of

the said knowledge, col.11 lines 25-45.

Regarding claim 11, Angle discloses that the system is situated at an input

port, col.9 lines 45-60.

Regarding claim 12, Angle discloses that system comprises a packet

processing unit for deriving from a piece of information associated to each data

packet one of said plurality of output ports to forward said data packet to, col.9

lines 35-45.

Regarding claim 13, Angle discloses that a router having a plurality of

input ports, a plurality of output ports and more than one packet processing unit

for deriving from a piece of information associated to each data packet one of

said plurality of output ports to forward said data packet to, col.4 lines 1-35.

Regarding claim 14, Angle discloses that computer program product

stored on a computer usable medium, comprising computer readable program

means for causing a computer to perform, col.3 lines 50-65.

Allowable Subject Matter

3.   Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4.   Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Thien Tran
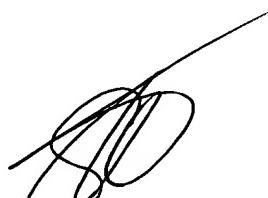
STEVEN NGUYEN
PRIMARY EXAMINER